13

POLICY ANALYSIS IN THE LEGISLATIVE BRANCH

Wouter Wolfs and Lieven De Winter

Introduction

Legislatures, whether they operate in a separation of powers system, i.e., 'congresses', or in a fused power system, i.e., 'parliaments', (Kreppel, 2014), play a crucial role in the political decision-making process. The study of legislatures has a very rich and pluralistic research tradition, even pre-dating political science as a discipline. In the last century, legislative studies have evolved from an 'old' institutionalist perspective (dominant between the late 19th century to the end of the second World War) to a behaviouralist approach in the 1950s and 1960s, to a 'new' institutionalist revival from the middle of the 1980s, associated with more sophisticated research methods and a significant differentiation in subjects and topics (see Martin et al., 2014).

Legislatures fulfil a range of different functions, which can be categorized into three main groups: (1) legitimation and representation; (2) selection and training of political personnel; and (3) decisional functions, including legislating, scrutinizing the budget and controlling the government (Packenham, 1970; Blackburn et al., 2003). The last set of functions is particularly important when considering parliamentary policy analysis. Regarding the legislative function, policy analysis is important because it is the last stage in the decision-making process where a policy initiative can be reshaped before it is implemented. Policy analysis is also required when determining the budget or when scrutinizing the government, as the information and advice from sound policy analysis provides a basis for Members of Parliament to make decisions (Lee, 2015).

One of the principal debates in legislative studies regards the purported decline of parliaments. Many scholars have described a process of deparliamentarization and identified several reasons for this evolution: a more important role for political parties and 'partitocracy' (Deschouwer et al., 1996; De Winter & Dumont, 2003), a decreased quality of Members of Parliament (Bryce, 1921, although this has been countered by the thesis of professionalization of MPs: cf. Borchert, 2003; Gaxie & Godmer, 2007) and an increase of executive tasks following the creation of the welfare state (Martin et al., 2014). An important aspect of the debate on the decline of parliaments is the information asymmetry between the executive and the legislature: parliaments do not possess sufficient information on government policies to properly scrutinize the executive. In recent decades, this information asymmetry has been

exacerbated by the process of globalization and— in the EU—the process of Europeanization, development that have made societies even more complex and have made it more difficult for parliaments to monitor government actions (Raunio, 2011). Nevertheless, others argue that parliaments still matter, because they have concentrated on new tasks, such as communication, or have taken initiatives to "fight back" to try to influence policy-making (Martin et al., 2014).

Studies focusing on policy analysis in parliaments are scarce and are heterogeneous in their focus and approach. Some authors have concentrated on administrative and political support bodies and services, such as the personal assistants of Members of Parliament (MPs), political group advisors, committee secretariats or parliamentary research services (Marschall, 2013; Lee, 2015; Makita, 2015). Other scholars have focused on political structures, instruments and procedures, such as the committee system, the application of classic parliamentary scrutiny instruments or the use of hearings or parliamentary inquiries (Santos, 2013; Marsch & Halpin, 2015; Siefken & Schüttemeyer, 2013). Furthermore, most work on parliamentary policy analysis consists of case studies, and comparative studies are non-existent to our knowledge.

This wide variety and asymmetry in the literature makes an in-depth comparison of all different aspects of policy analysis in legislatures challenging. The aim of this chapter is to provide a general framework to study policy analysis and support in parliaments, building on the available secondary literature to explore cross-country trends, similarities and differences. Our empirical data is based on a variety of cases: Australia, Belgium, Brazil, the European Union, Germany, Japan, The Netherlands, Taiwan, the United Kingdom and the United States. In asymmetrical bicameral systems, we will focus on the lower house. The first part of the chapter analyses the internal parliamentary actors that provide policy support to legislators. More specifically, we will assess how the personal assistants to MPs, advisors to political groups, and general parliamentary support services contribute to parliamentary policy analysis. The second part of the chapter examines the political structures and instruments that give legislators the opportunity to incorporate information from the government and expertise from external actors in their work.

Administrative Capacity: Support Services for Members of Parliament

There are three main categories of administrative capacity support for Members of Parliament, corresponding to the different working arenas of the parliamentary system: personal assistants and advisors of individual MPs, who are directly responsible for providing administrative and policy support to the Members; political staff working for party political groups or other groups of MPs; and advisors that provide policy support to committees or the institution as a whole. The staff at all three levels can provide policy analysis and support, but they vary significantly in terms of functions, capacities and operational logic (Marschall, 2005).

Support services in all parliaments have been the subject of reforms and capacity-building in recent decades, albeit to different degrees. Many legislatures have sought to expand research and support capacity in order to reduce the information asymmetry between the parliament and the government. Indeed, the government is in the driver's seat for policy initiation, law passage and implementation, and sometimes even has a privileged position over parliament to obtain information—as is the case in European decision-making, where governments also have an advantage regarding available resources. Whereas government ministers can fall back on a large group of personal advisors and civil servants, the staff available to provide policy support to MPs is much more limited. Furthermore, the parliament is also very dependent on information from the government for their scrutiny of that same government. This clearly leads

to an imbalance of information between the government under supervision and the parliament as "controller" (Zaal, 2014, p. 174). Consequently, it is not surprising that many parliaments have taken measures to reduce the information asymmetry by raising their staff levels to increase their policy support capacity.

However, increasing support capacity is not a neutral exercise; the way that the internal services are strengthened entails a certain normative view on the functioning of the parliament. The different levels of the parliamentary administration respond to different demands: personal staff meet the demands of the individual MPs, whereas group staff is aimed at supporting partisan interests. Committee staff correspond to the sectoral demands and the officials working in the parliamentary research service support the collective demands of the institution. Not all categories have been strengthened equally in the different legislatures. A number of contextual factors can explain these differences, including the electoral system (whether it is proportional or majoritarian) and the political system (whether it is a presidential system with strong emphasis on the separation of powers or a parliamentary system characterized by a division between majority and opposition parties).

Personal assistants to Members of Parliament

The personal staff directly supports MPs in their parliamentary work. However, significant variation exists in how this personal assistance is organized in different parliaments, both in terms of the number of assistants and the functions that assistants have.

A first difference relates to the number of assistants each MP has at his or her disposal and the funding mechanism. In general, there are two systems for providing MPs with personal assistance: staff-based and allowance-based. In a staff-based system, the MP receives a maximum number of assistants that are directly paid by the parliament, whereas in an allowance-based system, parliament allocates a maximum sum to each MP which he or she can use to hire personnel. Most of the cases studied here use an allowance-based system. One exception is the Belgian parliament, in which every Member is entitled to one personal assistant that is paid by parliament (Maddens et al., 2016; De Winter & Wolfs, 2017).

The difference between the two systems implies a certain trade-off between equality and flexibility. In the staff-based system, every assistant is paid the same, whereas in an allowance-based system the MP has the ability to choose between a smaller group of well-paid policy experts or a larger group of lesser-paid assistants. In the European Parliament, the equality between the Members is also under pressure by the different national backgrounds. Each Member of the European Parliament receives a monthly allowance to pay their assistants, who can be hired through European contracts (in the case of parliamentary assistants for work in the EP) or national contracts (in the case of constituency based assistants). The differences in standard of living between the member states leads to a situation where Members from countries where the wages are lower can hire more (local) assistants than those from countries with a higher standard of living. The average number of assistants ranges from around 3 for Danish, Swedish and Dutch MEPs to as much as 15 for Lithuanian MEPs.[1] We can assume that these differences have an impact on the support capacity for the legislators.

Although most parliaments use an allowance-based system, the considerable differences in size of the allowance had led to a high variation in the average number of personal assistants that support the MPs. In Belgium, each MP can only hire one personal assistant; in the British House of Commons the average number of assistants per MP is four. In Germany and Taiwan, the number is higher, respectively six and eight personal assistants per MP. The best-staffed

Members are found in the US Congress: Members of the House of Representatives are supported by an average of 15 personal assistants, and US Senators employ on average 35 assistants. The number can even go as high as 60, depending on the size of the state they represent (Brudnick, 2014).[2]

A second difference relates to the functions of the personal assistants. In general, there are three main types of personal assistants: (1) Administrative assistants, whose tasks include the management of the daily schedule of the MP and other technical-administrative tasks; (2) Policy assistants, who support the MP in legislative tasks, such as drafting bills and amendments, and preparing parliamentary speeches; and (3) Assistants for constituency services, who are responsible for maintaining relations with the local party office and voters of the MP's electoral district (Lee, 2015, p. 56).

In some cases, a part of the allowance for staff is earmarked to hire policy advisors. For US senators, the Personnel and Office Expense Account of US Senators differentiates between the administrative and clerical assistance allowance and the legislative assistance allowance, with the latter specifically set aside to pay policy support staff (Brudnick, 2014, pp. 6-7). In the Japanese Diet, each MP is entitled to hire one policy and legislative secretary, and two administrative assistants.

Furthermore, in some parliaments, an elaborate hierarchical system determines the functioning of the MPs' personal assistants. The offices of the Members of the US House of Representatives, for example, are characterized by a high degree of specialization, with personal assistants fulfilling up to 15 functions, ranging from Financial Administrator or Executive Assistant to Chief of Staff or Legislative Director.[3] The European Parliament distinguishes between Accredited Assistants, who support the MEP in his or her legislative work, and Local Assistants, who are usually stationed in the electoral district of the MEP to conduct constituency work (Wolfs, 2015, p. 9). However, in most parliaments such a strict distinction is not made and the assistants fulfil a combination of different functions, particularly because the number of staff is rather limited. When MPs have an office of one or two staffers — such as in the Belgian parliament — they will mainly deal with administrative and constituency tasks, and the level of policy analysis and support will be rather limited.

Advisors to Political Groups

This category contains the advisors and assistants that are working for the political groups. Similar to the personal staff of the MPs, the assistants of the political groups fulfil myriad functions, ranging from administrative or constituency work to communications and press relations to genuine policy advice and support.

The allocation of group assistants can also follow an allowance-based or a staff-based logic, or a combination of both. In the German Bundestag, political groups receive a group allowance and they can decide themselves what share of the allowance they want to spend on group staff. Political groups in the European Parliament are entitled to a number of policy advisors depending on the group's size. In addition, each political group is equipped with a group allowance—also depending on group size—that can be used to hire additional staff (Maddens et al., 2016, p. 28). In the Belgian House of Representatives, all political groups receive around 1.5 policy advisors per MP.

The policy advisors in the political groups can be organized following a logic of centralization, decentralization or secondment. The Brazilian legislature follows a centralized system, with a significant portion of the expert advisors allocated to party leaders (Santos, 2013, pp. 124-125). In the US Congress a similar picture can be observed: additional staff are

not allocated to the party groups in general, but are made available to the majority and minority leadership (Speaker, majority and minority leaders, and majority and minority whips). In the European Parliament, most political groups assign political advisors to follow up on the parliamentary committees and support group members in committee work.

In the German Bundestag, the groups follow a logic of decentralization: staff are divided among the different parliamentary committees, and advisors provide support for the individual MPs as well as the so-called intergroups—groups of MPs from all political groups organized around specific themes—and are managed by the group leaders in the committees. Since the resources—and consequently the number of advisors that can be hired—depend on the size the group, small political groups are at a disadvantage as policy advisors usually need to follow more than one committee, which hampers specialization and reduces overall support capacity. These political group advisors are also expected to keep in close contact with the staff working in the parties' headquarters and thus function as a liaison between the intra- and extra-parliamentary party expertise (Marschall, 2013, pp. 152-153).

In Belgium, many political groups follow a logic of secondment: the group advisors are posted at the party headquarters to support the party presidency and party research centre. This can be explained by the strong partitocratic nature of the Belgian political system, in which the extra-parliamentary party organization strongly dominates the functioning of the parliamentary group (De Winter & Wolfs, 2017).

General Parliamentary Support Services

In contrast to the previous two categories of advisors, whose work is almost by definition partisan, policy advisors that work in the parliamentary administration cannot be ideologically motivated. Parliamentary officials are expected to take a non-partisan approach and serve the institution as a whole (Marschall, 2013, p. 152). Some authors have described how a more complex global context and external pressures such as Europeanization have led to a greater role for administrators, which entails a risk of "bureaucratization" over "democratization" (see e.g. Christiansen et al., 2014). However, the strict neutrality of the administrators is stressed in all legislatures as a precondition for their ability to function. They should refrain from any judgement on political action or any influence on the political discourse if they do not want to become the subject of a political controversy themselves (Zaal, 2014, p. 177).

The main question is to what extent total neutrality and objectivity is possible and desirable. As Lee has stated with regard to policy analysis in the Taiwanese parliament, "policy analysis cannot be purely objective because this conception determines what data is collected, how the data is analysed, what information is released, and what policy advice is provided" (Lee, 2015, p. 63). At the end of the day, what can be considered as the right or most effective information is a political question (Zaal, 2014, p. 174). Although the provision of policy advice is client-oriented, administrators should uphold scientific standards and try to avoid being loyal to MPs and produce policy analyses that are in line with the legislator's ideology (Lee, 2015, p. 61). In sum, administrators are embedded or even stretched in a complex triangle of principles and interests among the parliamentary administration, legislators and objective research standards, "which might lead to conflicting internal and external expectations" (Marschall, 2013, p. 152; von Winter, 2006).

In most parliaments, the strengthening of policy support capacity of the parliamentary administration—e.g. by the establishment of a parliamentary research service—was motivated by an aspiration to reduce the information asymmetry with the government, although variation exists depending on the political system. In the US separation-of-powers system, the

Congressional Research Service, Congressional Budget Office and Government Accountability Office were createdto protect the independence and constitutional authority of the legislature vis-à-vis the US government (Brudnick, 2011, p. 4). In the European Parliament, opposing visions exist on how the institution should develop: either mirroring the US Congress following the separation-of-powers logic or in line with the fusion-power parliamentary systems that exist in most EU member states. The establishment of the European Parliamentary Research Service in 2013 to empower the institution when dealing with the European Commission adopted the separation-of-powers logic by increasing the analytical and support capacity of the Parliament as a whole (Wolfs, 2015).

In some parliamentary systems, internal capacity was increased to strengthen the institution, or at least the opposition parties that—in contrast with the majority parties—cannot rely on government expertise. In the Netherlands, the Parliamentary Bureau for Research and Public Expenditure was established following a report that pointed at the parliament's inferior information position and lacking infrastructure compared to the government. However, it is mainly the small opposition parties that rely on the policy support from the parliamentary administration to compensate for their lack of resources compared to the larger parties (Zaal, 2014, p. 175). In the German parliament, the parliamentary research service has an important role to counter the imbalance of information with the government, although it should also be viewed in the context of the "new dualism" between the opposition and the majority: whereas the majority parties can rely on expertise in governmental ministries, opposition parties have to turn to other sources of information, such as the parliamentary research services (Marschall, 2013, p. 156; Ismayr, 2001, p. 106).

Whether the parliament is actually able to reduce the information imbalance with the executive through policy support by the parliamentary administration depends on a number of factors. First, there is the overall capacity of the parliamentary administration. that differs significantly between countries. Whereas members of the US Congress each employ around 30 administrators, the average staff per MP is less than five, even in most developed democratic countries (not counting personal and group advisors) (Power, 2012, pp. 101-103). Furthermore, in most legislatures only a minority of the administrators are involved in policy analysis; most of the civil servants deal with internal technical-administrative arrangements. The US Congress is an exception: the Congressional Research Service employs more than 600 staff members, 400 of which are policy analysists working in five research divisions and specialized in a variety of disciplines.[4] In the Dutch Parliament, on the other hand, officials working in the Parliamentary Bureau for Research and Public Expenditure make up only seven per cent of the total parliamentary staff (Zaal, 2014, p. 175). In Taiwan, the actual staff levels of the parliamentary support bodies are far less than stipulated in the law: for example, committees are supported by 8 to 11 administrators, whereas the law foresees 90 to 98. This personnel shortage leads to a work overload for each staff member, so that maintaining a high quality of policy analysis becomes difficult (Lee, 2015, pp. 55-58). In sum, the budget and personnel deployed to do policy analysis is related to the quality of the policy support that is produced. The more administrators that can engage in policy analysis, the more they can specialize, leading to better policy support.

The second factor that has an impact on parliamentary policy analysis is the level of independence and political steering. Two issues are particularly important. First, can the research services conduct policy analysis on their own initiative (in the agenda-setting phase)? In other words, are they proactive or responsive? Second, are they influenced by the political level during the research process (in the preparation phase)? In most parliaments, the research

services only respond to questions and assignments from the political level. Iit is also important who can request support from the research services: are requests limited to the Governing Body of parliament, committees, and political groups, or can individual MPs also make requests?

In the Dutch parliament, the research service is organizationally separate from the committees so as to emphasize its independence. There is almost no political influence on the conduct of its research: the research service identifies the facts, differences and gaps and leaves the judgement on these to the political level. As far as agenda-setting is concerned, the research service works almost exclusively on the instructions of the parliamentary committees or appointed rapporteurs; the advisors are not able to initiate a research investigation on their own. In the Brazilian parliament, the research services also work most closely on request and in support of the parliamentary committees, and more specifically the rapporteurs (Santos, 2013, p. 127-128). The in-house research service of the German Bundestag also works almost only on demand from MPs, political groups or committees. Only in very rare cases will the policy advisors draft reports on their own initiative. Most frequently, individual MPs request the research service for support and expertise; generally the advisors do not determine their own research agenda (Marschall, 2013, p. 156).

The European Parliamentary Research Service has a higher degree of independence in conducting its research. A large part of the service is dedicated to responding to research request from Members, but several units have a general goal and significant independence in how to achieve it. For example, the European Added Value Unit has the general mandate to look for policy fields in which efficiency gains can be accomplished by political action at the European level. Which policy fields are examined or how the research is conducted is determined by the research unit itself (Wolfs, 2015, p. 18). In the Taiwanese parliament, policy advisors in the research service can conduct an investigation on any topic as long as the head of the research service approves (Lee, 2015, p. 57).

The third factor that is important is the actual work done by the parliamentary support services. We can classify their activities into four categories (for an alternative categorization, see for example Makita, 2015, pp. 130-131): (1) Technical-procedural work, such as the preparation of meetings, the collection of amendments, and writing meeting minutes, activities which do not relate to the content of policy work; (2) Data collection, such as the gathering of information on a specific policy topic, an overview of academic literature on a specific topic or a collection of press articles; (3) Data analysis, which also implies the collection of data on a specific topic, but adds the researcher's interpretation by, for example, identifying gaps or discrepancies in the data; and (4) Drafting or writing legislative documents such as bills or amendments on behalf of the MP.

Some scholars have stated that the Europeanization of national parliaments of EU member states has triggered a process of bureaucratization, which implies a more important role for administrators, including in drafting and writing legislative documents (Christiaensen et al., 2014). However, in most parliaments, the role of the administration is limited to data collection. For instance, the bulk of the work of the research service of the Japanese Diet in the last 45 years consists of data collection. The share of work dedicated to data analysis has even decreased over time; the requests for drafting have consistently remained very low (Makita, 2015, pp. 130-131). A similar picture can be observed in case of the research services of the German Bundestag. Their main duty is to collect and to a lesser extent analyse and compare research reports that have been produced by other institutions. They do not conduct their own primary research and are not involved in drafting legislative documents (Marschall, 2013, p. 156). In Belgium, most of the support services only provide technical-procedural advice. The

support of the library and research services is limited to data collection (De Winter & Wolfs, 2017).

The Dutch Parliamentary Bureau for Research conducts data analysis on a more frequent basis: advisors check government policy documents for internal inconsistencies, assess them in light of the recommendations of the Netherlands Court of Auditors, and check on links with the government's coalition agreement (Zaal, 2014, pp. 176-177). In the European Parliamentary Research Service, a significant part of the advisors are involved in data analysis. It has a unit specifically dedicated to ex-ante impact assessments, ex-post impact assessments, scientific foresights and policy performance appraisal (Wolfs, 2015, pp. 16-17). The US Congressional Research Service examines complex topics from a variety of perspectives and conducts impact assessments of proposed policy alternatives.[5]

Political Structures and Instruments for Policy Analysis

The second part of this chapter analyses the political structures and instruments of parliamentary policy analysis. We first analyse the instruments that parliaments can use to scrutinize the government as a tool to tackle information asymmetry. Next we examine the role of a parliament's committee system in law-making and scrutiny of the executive. Last, we examine the structures that parliaments have established to incorporate external expertise in their decision-making process.

Oversight and Scrutiny Instruments

Parliaments have a number of instruments to request the government for information and data. Members of Parliament can ask written and oral questions to ministers to gain information on policy questions or to scrutinize government positions or actions. There are many variations of these two instruments. In the Belgian Parliament, a difference exists between regular oral questions—which are mainly aimed at getting information from the government—and 'interpellations'—which are more focused on the scrutiny of a minister's position and can be followed up by a motion of no confidence. Most parliaments regularly organize a 'question time'—often broadcast live on television—when the MPs are given the opportunity to ask questions that the government ministers are obliged to answer.

In most parliaments, the use of these instruments has increased in recent years. The Dutch parliament has seen a rise of the number of written and oral questions in the last 30 years (Zaal, 2014, p. 172 and p. 184). In the Belgian parliament, a sharp increase in the number of oral and written questions has occurred in recent decades (De Winter & Wolfs, 2017). Although the trend of a rising number of questions can be recognized in almost all parliaments, uncertainties remain about what purpose they actually serve. Additional research is needed to examine what functions these instruments have and to what extent they can contribute to policy analysis in parliament.

Parliamentary Committees

Committees are a crucial element in parliamentary decision-making and—by extension—the entire political policy process. In most parliaments, committees are the central locus of law-making and in shaping public policy. Consequently, authors have dedicated substantial attention to the role of policy analysis in the functioning of committees and have identified a number of factors that have a significant impact on policy analysis in committees.

A first factor that affects the strength of committees and consequently their ability to influence policy-making is the constitutional position of the parliament and information rights. Because of the separation-of-powers system in the United States and the constitutionally strong position of the Congress, its committee system is exceptionally powerful and has a significant impact on agenda-setting, legislation, the budget and even executive appointments (Marsh & Halpin, 2015, p. 138). In many parliamentary systems where a fusion between the parliament and the executive exists, the committees tend to be under the control of the majority and much of the law-making is dominated by the government. These parliaments also often have fewer informational rights and less access to internal government documents, which reduces the parliamentary committees' informational capacity .

A second—though to some extent related—factor is the committee's focus on law-making and its right to initiate and amend legislation, an element that has been the subject of many typologies of parliament. Polsby (1975) has assessed the parliament's level of independence in legislative work and differentiated between "transformatory legislatures"—with a strong emphasis on committee work to transform proposals into laws—and "arenas"—which are more focused on debates and confrontations of the significant forces of the political system. A similar typology is Steffani's (1979) classification of "working parliaments" (or *Arbeitsparlamente*) versus "debating parliaments" (or *Redeparlamente*), which also distinguishes between parliaments that concentrate on law-making work in committees or on public debates in plenary (see also Marschall, 2015, pp. 150-151). The German Bundestag is considered a good example of a transformative or working parliament that puts significant emphasis on legislative and policy work in the committees. The UK House of Commons, on the other hand, is considered a good example of a parliamentary arena or debating parliament, which is focused on plenary discussions while law-making and policy work is less important (Marschall, 2015, pp. 150-151)**.**

A third factor that influences policy analysis in committees is their internal organization, i.e., the composition and procedures of the committees. In the Australian parliament, early involvement of the committees through pre-legislative hearings and a focus on agenda-setting seems to have a positive influence on the overall committee impact (Marsh & Halpin, 2015, p. 147). Also in the Australian parliament, the internal reorganization of committee work following the conclusions of the Selection of Bills Committee in 1990 has raised the capacity of Senate committees to effectively process more bills and based Senate deliberations on much better information (Vander Wyk & Lilly, 2005, cited in Marsh and Halpin, 2015, p. 140). Other important elements are the size of the committee and whether or not there is proportional allocation of committee chair positions and bill rapporteurships to government and opposition groups.

A fourth factor is the political culture in a parliamentary committee. The committees in the German Bundestag are aimed at consensus, which gives them significant policy impact (Steinack, 2012). Research on Westminster parliaments has also shown that the impact of committees have the most influence when they can reach bipartisan conclusions, particularly on contentious matters (Monk, 2012, cited in Marsh & Halpin, 2015, p. 141, p. 144). In the Brazilian parliament, a sharp contrast can be recognized between "opposition-leaning committees"—where the majority of members take a view that is the opposite of that of the government—and "pro-government committees". Opposition-leaning committees have a stronger incentive to consult or produce additional information and policy analyses (Santos, 2013, pp. 122-123).

The final factor is the scope of the committee and their correspondence with ministerial departments. Some committees deal with a very broad range of policy fields, whereas other

committees are specifically established for a clearly defined purpose. It is clear that committees with a broad scope on average have a higher workload and have more difficulty of conducting an in-depth analysis of the bills. The Brazilian parliament has no less than 124 standing committees, each of which analyse a specific (sub)policy field. Furthermore, a large part of the legislative activity takes place in ad hoc committees that are created to examine specific legislative proposals (Santos, 2013, p. 124). In the Australian parliament, the number of committees was increased from 7 to 24, partly because of a commitment for increased committee legislative activity. Furthermore, some ad hoc committees that were established for a limited time have been able to be very influential. The report of the Long Term Strategies Committee, for example, included comprehensive surveys of public policy issues that had a high strategic value (Marsh & Halpin, 2015, p. 139).

Instruments to include external expertise

Parliaments can rely on a number of instruments to incorporate external expertise in the decision-making process. A first instrument is special 'study' or inquiry committees that are established to analyse a specific policy phenomenon. In the Dutch parliament, legislators can decide to conduct an external investigation, which can take two forms. First, the actual process of policy analysis can be subcontracted to an external research agency. The members of the parliamentary committee determine the exact topic, whereas the actual analysis is conducted by the agency (under the supervision of the committee members) Second, a temporary investigative committee can be established to conduct its own examination through working visits, hearings and the commissioning of studies (Zaal, 2014, p. 178). In Germany, the study commissions consist not only of legislators, but also external experts from academia or organized interests, who are part of the commission on a permanent basis (Siefken & Schüttemeyer, 2013, p. 167). An important factor regarding these types of committees is the threshold for their creation. In the German Bundestag, a quarter of the members are required to request the establishment of a study committee (Siefken & Schüttemeyer, 2013, p. 166). In other parliaments, for example in Belgium, there is a higher threshold and the majority parties could potentially block the creation of a study commission if it is not in line with the government's policy agenda.

Empirically, significant variation among and within parliaments exists, both in terms of use as well of scope of these committees. In the German Bundestag, study committees were widely used in the 1980s and 1990s and were less popular in the decades before and after. The number of meetings of these committees also varied between 12 and more than 130 (Siefken & Schüttemeyer, 2013, p. 166). The inquiries of the Australian committees also differ significantly in both length and substance (Marsh and Halpin, 2015, p. 142). The establishment of investigation committees has become an increasingly popular practice in the Dutch Parliament: Loeffen (2013) has described an increase of parliamentary investigations in the last 30 years and noted that they were increasingly used as an instrument of parliamentary oversight. Considering the potential policy impact of these study committees, authors have stressed how the commissions in the German Parliament follow the parliamentary logic of political conflict. Although most of the committee reports include clear policy suggestions, they are not able to prepare concrete policy decisions (Hampel, 1991, p. 119) or create new knowledge. Instead, they summarize existing research as a starting point for further political discussions (Siefken & Schüttemeyer, 2013, p. 167). In the Australian parliament, strategic enquiries of committees are most effective when they evaluate the need for policy before the government has taken a position (Marsh & Halpin, 2015, p. 143).

A second instrument that parliaments can use is hearings: public meetings in which stakeholders or experts are invited to express their opinion and provide expertise on the issue under discussion. One of the first legislatures to establish this practice was the US Congress, and many parliaments have followed its example (Loewenberg, 2006, p. 103). The composition and scope of these meetings can vary extensively between and even within the same parliament. In the Dutch parliament, a committee can decide to organize a 'technical briefing', with experts or civil servants, a 'hearing', with just a single expert or stakeholder; or a 'roundtable discussion', with several stakeholders simultaneously (Zaal, 2014, pp. 177-178). Most hearings are organized in the framework of new legislation and only rarely as a tool for government scrutiny (with the exception of the US Congress). In the German Bundestag, two thirds of the hearings have a legislative purpose (Siefken & Schüttemeyer, 2013, p. 169). The main aim of hearings is to gather information, even if it is motivated by an intention to strengthen the dominant position of the political groups in parliament (Siefken & Schüttemeyer, 2013, p. 171). Several authors have indeed pointed at a corporatist logic in the organization of hearings: the experts that are invited represent the positions of certain interest groups (Renn, 1995, p. 152).

Most parliaments have seen a sharp increase in the use of hearings in the last 20 to 30 years. In the German Bundestag, the number of hearings was very low until the middle of the 1980s: the share of laws in which hearings were used raised from less than ten per cent in the term 1976-1980 to more than thirty per cent in the term 2005-2009 (Siefken & Schüttemeyer, 2013, p. 169). Committees in the Dutch and the Belgian parliaments have also organized more hearings with better preparation over time (Zaal, 201 p. 184; De Winter and Wolfs, 2017). Wessels has analysed the differences in the number of hearings held by the parliamentary committees of the German Bundestag and stated that the variation can be explained not only by the number of legislative proposals that the committee has to deal with, but also with the characteristics of the bill: the more conflictual, broad and complex the legislative proposal is, the more likely it is that hearings will be conducted (Wessels, 1987, p. 293).

Parliaments have additional instruments to gain external expertis. Legislators can launch an inquiry for written evidence or written testimony on a certain topic. The Parliament of Australia makes ample use of inquiries to collect information and evidence from citizens, experts and stakeholders (Marsh & Halpin, 2015, pp. 144-145). Additionally, parliaments can contract out studies and reports. The committees of the European Parliament, for example, have a specific budget that they can spend on external studies. Finally, parliaments can conduct study visits in order to gain information. These last instruments have not received much academic attention, however, and the knowledge of their impact on policy-making in parliaments remains limited.

Conclusion

In this chapter, we have given an overview of the different aspects of policy support in legislatures, building on the (scarce) studies of parliamentary policy analysis and the broader tradition of legislative studies. Overall, there is a large variation between legislatures with regard to policy support. Four factors in particular have a significant impact on the level of policy analysis in legislatures.

First, policy analysis is significantly determined by the broader political and institutional context of the parliament. A particularly important element is the information asymmetry between the executive and legislative branch. This asymmetry has triggered the legislatures to increase their internal policy support capacity to improve the institution's informational

position, but many parliaments still suffer significant informational disadvantages compared to the executive. This hampers parliamentary policy analysis, particularly in parliaments that are dominated by disciplined majority parties.

Second, size matters. The number of people or structures that are involved in parliamentary policy analysis has an impact on the overall capacity. Overall, the more actors that are engaged—whether it be the total number of parliamentary committees, the personal or group advisors or the administrators working for the parliamentary research service—the lower the individual workload and the greater the specialization that can take place, which could strengthen the overall parliamentary policy analysis capacity. Consider, for example, the US Congressional Research Service, with more than 400 policy advisors subdivided into five research departments, compared with the rather small research institutions in most parliaments. Similarly, compare the 124 specialized standing committees of the Brazilian parliament in comparison with the seven broad committees the Australian parliament used to have.

A third difference is the level of discretion and independence, and the intensity of the policy analysis that is conducted, both on the administrative as well as the political level. In some parliaments, the work of the support services or advisors is limited to technical-procedural work and collection of information. In other parliaments, the research services have very specialized units that conduct in-depth impact assessments or other forms of policy analysis that can even shape the parliamentary agenda, although this also entails the risk of 'bureaucratization' of the decision-making process and a lack of political oversight. Not only the discretion of the administrative actors, but also the independence of the political bodies, matters. Parliamentary committees that are not dominated by the majority parties, but are characterized by a non-partisan approach, generally have more influence on the policy outcome.

Fourth, the extent to which parliaments can incorporate external expertise—from the government, civil society, industry, academia or other actors—in their policy work varies significantly and has an impact on the level of policy analysis. Most parliaments have experienced an increase in the number of study committees and hearings with external stakeholders, but nevertheless variation exist in the context and preparation of these tools. The same is true for the parliamentary instruments to scrutinize the executive and to obtain information from the government. In fact, although there is a general rising trend, the application of different types of written and oral questions varies across legislatures.

In general, however, the research on policy analysis in legislatures is still rather limited and many venues for future research remain. First, there is a considerable shortage of comparative studies on parliamentary policy analysis; the field of research is limited to country case studies. Second, many questions remain regarding the use of certain instruments—such as inquiries or studies—and how the parliamentary instruments support the legislators in their policy-making. Third, additional research is required on the work of personal assistants and policy advisors of political groups and their impact on the MPs' policy work. Last, there is a need for a 'policy turn' in the rich field of legislative studies: the gap between political science and public administration with regard to research on legislatures must be bridged to expand our understanding of parliamentary policy analysis.

References

Blackburn, R., Kennon, A., Wheeler-Booth, M., Griffith, J. & Ryle, M. (2003) Griffith and Ryle on parliament: Functions, practice and procedures, London: Sweet & Maxwell.

Borchert, J. (2003), "Professional politicians: Towards a comparative perspective", in J. Borchert & J. Zeiss (eds), Political class in advanced democracies, Oxford University Press.

Brudnick, I. (2011) The Congressional Research Service and the American Legislative Process, United States Congressional Research Service.

Brudnick, I. (2014). "Congressional salaries and allowances: In brief", United States Congressional Research Service, www.senate.gov/CRSReports/crs- publish.cfm?pid=%270E%2C*PL%5B%-3D%23P%20%20%0A.

Bryce, J. (1921) Modern Democracies. 2 Volumes, London: Macmillan.

Christiansen, T., Högenauer A. & Neuhold, C. (2014) "National parliaments in the post-Lisbon European Union: Bureaucratization rather than democratization", in Comparative European Politics, 12, pp. 121–140.

Deschouwer, K., De Winter, L. & Della Porta, D. (eds) (1996), "Partitocracies between crises and reforms: The cases of Italy and Belgium", special issue of Res Publica, XXXXVIII, 2.

De Winter, L. & Dumont, P. (2003) "Belgium: Delegation and accountability under partitocratic rule", in K. Strøm, W. Müller & T. Bergman (eds) Delegation and Accountability in Western Europe, Oxford University Press, 253–281.

De Winter, L. & Wolfs, W. (2017) "Policy analysis in the Belgian legislatures: The marginal role of a structurally weak parliament in a partitocracy with no scientific and political tradition of policy analysis", in M. Brans & D. Aubin (eds), Policy analysis in Belgium, Bristol, UK: Policy Press.

Gaxie, D. & Godmer, L. (2007) "Cultural capital and political selection", in M. Cotta & H. Best (eds), Democratic representation in Europe, Oxford University Press, pp. 106–135).

Hampel, F. (1991). "Politikberatung in der Bundesrepublik: Überlegungen am Beispiel von EnqueteKommissionen", Zeitschrift für Parlamentsfragen 1: 111–33.

Ismayr, W. (2001) Der Deutsche Bundestag im politischen System der Bundesrepublik, Stuttgart: UTB.

Kreppel, Amie (2014) "Typologies and classifications". In Shane Martin, Thomas Saalfeld, and Kaare Strom (eds), The Oxford handbook of legislative studies, Oxford University Press.

Lee, T. (2015) "Policy Analysis in the legislative body: The legislative process of the Soil and Groundwater Pollution Remediation Act in Taiwan", in Y. Guo (ed.), Policy Analysis in Taiwan, Bristol, UK: Policy Press, pp. 53–66.

Loeffen, S. (2013) Parlementair onderzoek: Een studie van het onderzoeksrecht in Nederland, het Verenigd Koninkrijk en de Verenigde Staten, The Hague: SDU.

Loewenberg, G. (2006) "The influence of US congressional hearings on committee procedure in the German Bundestag: A case study of institutional diffusion", in T. Power and N. Rae (eds) Exporting Congress? The influence of the US Congress on world legislatures, University of Pittsburgh Press, pp 102–118.

Maddens, B., Smulders, J., Wolfs, W. & Weekers, K. (2016). Partij- en ampagnefinanciering in België en de Europese Unie, Leuven, Belgium: Acco.

Makita, J. (2015) "A policy analysis of the Japanese Diet from the perspective of 'Legislative Supporting Agencies' ", in Y. Adachi, S. Hosono & J. Lio (eds), Policy Analysis in Japan, Bristol, UK: Policy Press, pp. 123–138.

Marsh, I. & Halpin, D. (2015) "Parliamentary committees and inquiries", in B. Head & K. Croawley (eds), Policy Analysis in Australia, Bristol, UK: Policy Press, pp. 137–150.

Marschall, S. (2005) Parlamentarismus: Eine Einführung, Baden-Baden, Germany: Nomos.

Marschall, S. (2013) "Parliamentary in- house research services and policy- making in Germany: Sancho Panza or David's sling?" in S. Blum & K. Schubert (eds), Policy Analysis in Germany, Bristol, UK: Policy Press, pp. 149–160.

Martin, S., Saalfeld, T. & Strom, K. (2014) "Introduction", in S. Martin, T. Saalfeld & K. Strom, Oxford Handbook of Legislative Studies, Oxford University Press.
Monk, D. (2012) "Committee inquiries in the Australian Parliament and their influence on government: Government acceptance of recommendations as a measure of parliamentary performance", The Journal of Legislative Studies, 18.2, pp. 137–60.
Ostrogorski, M. (1902) Democracy and the organization of political parties, London: Macmillan.
Packenham, R. (1970) "Legislatures and Political Development", in A. Kornberg & L. Musolf (eds), Legislatures in Developmental Perspective, Durham, NC: Duke University Press, pp. 521–537.
Polsby, N. (1975) "Legislatures", in F. Greenstein & N. Polsby (eds), Handbook of Political Science Boston, MA: Addison-Wesley, pp. 257–319.
Power, G. (ed.) (2012) Global parliamentary report: The changing nature of parliamentary representation, Geneva and New York: Inter-Parliamentary Union and UNDP.
Raunio, T. (2011) "The gatekeepers of European integration? The functions of national parliaments in the EU political system", Journal of European Integration, 33.3, pp. 301–321.
Renn, O. (1995). 'Style of using scientific expertise: A comparative framework', Science and Public Policy, 22.2: 147–156.
Santos, F. (2013) "The role of the Brazilian legislature in the public policy decision- making process", in J. Vaitsmain, J. Mendes Ribeiro & L. Lobato (eds), Policy Analysis in Brazil, Bristol, UK: Policy Press, pp. 119–131.
Siefken, S. & Schüttemeyer, S. (2013) "The German Bundestag and external expertise: Policy orientation as counterweight to deparliamentarisation?" in S. Blum & K. Schubert (eds), Policy Analysis in Germany, Bristol, UK: Policy Press, pp. 161–180.
Steffani, W. (1979) Parlamentarische un präsidentielle Demokratie: Strukturelle Aspekte westlicher Demokratien, Opladen, Germany: Westdeutscher verlag.
Steinack, K. (2012) "Government and minority impact in Germany: Policy making in a consensual system", in I. Marsh and J. Wanna (eds.), Contemporary government—fractured or pluralised? Varieties of coalition and minority regimes, Australia National University Press.
Vander Wyk, J. & Lilley, A. (2005) References of bills to select committees with particular reference to the role of the Selection of Bills Committee, Canberra: the Senate.
von Winter, T. (2006) "Die Wissenschaftlichen Dienste des Deutschen Bundestagen", in S. Falk, D. Rehfeld & M. Thunert (eds), Handbuch Politikberatung, Wiesbaden, Germany: VS Verlag, pp. 198–214.
Wessels, B. (1987) "Kommunikationspotentiale zwischen Bundestag und Gesellschaft. Öffentliche Anhörungen, informelle Kontakte und innere Lobby in wirtschafts—und sozialpolitischen Parlamentsausschüssen", Zeitschrift für Parlametsfragen, 18.2, pp. 285–311.
Wolfs, W. (2015) "Capacity- building in the European Parliament: Different views on policy support", paper presented at the ECPR General Conference, University of Montréal, 26–29 August.
Zaal, K. (2014) "Policy Analysis in the Dutch Parliament", in F. van Nispen & P. Scholten (eds), Policy Analysis in the Netherlands, Bristol, UK: Policy Press, pp. 171–185.

Notes

[1] http://jonasjancarik.eu/2015/03/18/how-many-assistants-do-meps-employ/

[2] https://www.sgim.org/File%20Library/SGIM/Communities/Advocacy/Advocacy%20101/THE-ROLE-OF-CONGRESSIONAL-STAFF.pdf

[3] For more historical background, see Brudnick, 2014: http://assets.sunlightfoundation.com.s3.amazonaws.com/policy/staff%20salary/2010_house_compensation_study.pdf

[4] http://www.loc.gov/crsinfo/about/

[5] http://www.loc.gov/crsinfo/about/